

**STATE OF CONNECTICUT**  
**COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES**

***Testimony to the Appropriations Committee***

February 9, 2016

Good afternoon Senator Bye, Representative Walker, Senator Hartley, Representative Genga and Representative Porter and members of the Appropriations Committee.

I am Alvin Bingham, Supervisor of the Commission on Human Rights and Opportunities' Affirmative Action and Contract Compliance Unit. Thank you for allowing me to address you.

I add to the comments of the Executive Director Tanya Hughes, Deputy Director Cheryl Sharp. I will speak about the CHRO's affirmative action process and its contract compliance efforts.

The AACC Unit has two areas of enforcement authority: Affirmative Action and Contract Compliance. Through the affirmative action plan review process, the CHRO protects the rights of the people of Connecticut by assuring that everyone will be treated fair and equitably, so that they are judged on the basis of their qualifications without discrimination, in compliance with the state's equal opportunity requirements. As you know the state's law is more inclusive and protective than the federal law. The affirmative action requirements are similarly broader than the federal requirements. State agencies submit affirmative action plans to the CHRO on a preset semiannual, annual or biannual basis. The unit conducts a detailed review of each agency's AAP submission, evaluating employment policies and practices for compliance with the State's law. The unit then recommends determinations of approval, conditional approval, or disapproval to the CHRO Commissioners who have the detailed review recommendations and who then hear the agency's responses and explanations. The Commission then makes the ultimate determination regarding the agency's affirmative action plan compliance. The unit conducts reviews of approximately 40 to 45 state agencies' affirmative action plans each year. In fiscal year 15, the unit made reviewed 41 agencies' affirmative action plans.

The Contract Compliance area collects information from state agencies who enter into contracts and also from their contractors. Specifically, until last year the unit reviewed affirmative action plan and set aside plan compliance of state agency's contractors using state funds on construction projects. The amount of the construction evaluated in FY15 amounted to \$758,814,921.00. So far in FY16 year the unit has received and is

reviewing affirmative action plans and set-aside plans for construction projects valued at \$717,724,921.

The unit is now authorized to review and monitor state financed municipal public works contracts and quasi public agency public works projects. This has applied to contracts going out to bid after October 1, 2015.

The contract compliance requirements for state financed projects require compliance by the municipal public works contracts' contractors and quasi-public agency public works projects' contractors.

In preparation, staff was hired to support the added authority. CHRO provided four weeks of intensive training to the new staff and retrained the existing contract compliance staff and legal staff. The CHRO has provided well over 2000 hours of staff training to perform the new function.

CHRO has conducted trainings for municipalities to acclimate municipalities to their new responsibilities. Two all day trainings were presented at the LOB to representatives of municipalities. Additionally, CHRO has presented trainings to associations of municipalities and their members and has conducted town hall meetings providing information to municipal representatives. CHRO conducts technical assistance training available for contractors every month.

I want to clarify that the process of facilitating municipalities' compliance with the contract compliance requirements commenced shortly after the effective date. Since October 1, 2015, municipalities have been inviting the CHRO to meetings with their CMRs to plan how to go out to bid on large projects. CHRO has attended pre-bid meetings on approximately 15 multimillion dollar construction projects. The municipalities have been including the CHRO's nondiscrimination bid language in their invitation to bid packages, and their contractors are just starting to submit affirmative action plans on the projects.

Over 10 years prior to 2015, the state provided approximately \$7 billion of funds for public school construction alone, without the state's nondiscrimination contract compliance enforcement. Over the years, minority contractors have asked the CHRO why they have been excluded from contracting opportunities on the municipal contracts. They saw the signs boasting state funding in front of the projects, but they were unable to gain access to contracting opportunities to work on the projects. Prior to October 1, 2015, the CHRO could not help them. The lack of set aside program enforcement eliminated business contracting opportunities in the amount of approximately \$1,750,000,000.00 to small business enterprises in Connecticut generally, and

eliminated \$437,500,000.00 in business contracting opportunities to small business enterprises owned by ethnic minorities, by women and by people with disabilities.

The state continues to pour financial support into public school construction. With the authority to review and monitor these and other state funded public works projects, CHRO will help to assure that the economic investment not only supports the education of students and other projects to help the people of the state but will also support the existence of Connecticut's small businesses, and businesses owned by ethnic minorities, by women and by people with disabilities which will help fuel the state's economy.